FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7429 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Shri P.S.Dani for the petitioner

Coram : R.S.Mohite,J

Date : 14.11.2005.

PC

1. This petition impugn an order passed by the Maharashtra State Co-operative Appellate Court on 28.4.2005 in Appeal No.236/2004. By the impugned judgment and order the appeal filed by the present petitioner has been partly allowed. His right to claim damages for filing dispute has been upheld. It was sought to be argued that the other prayers in the dispute relating to accounts and allowing of instalments at the rate of 6% interest being

prayers-(i) and (ii) of the dispute also ought to have been left open. In my view this could not be done as a Certificate under Section 101 of the Maharashtra Co-operative Societies Act has already been issued on the basis of the account produced by the bank. If the petitioner has any grievance regarding the issuance of the Certificate on the basis of the account, the remedy will be filing of a revision, as rightly held by the lower Court. The claim for damages was based on an entirely different footing i.e. the bank had not released the entire sanctioned amount. It is not a question based on accounts. In my view, this is not a fit case to interfere in writ jurusdiction. Therefore, petition is dismissed.

(R.S.Mohite,J)